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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

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In the Matter of:

MATSU CORP. d/b/a Matsu Sushi,

Respondent,

Case No.: 01-CA-214272

And

FLUSHING WORKERS CENTER

Charging Party.

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**RESPONDENT'S EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGE'S
DECISION AND ORDER**

Matsu Corp. respectfully submits the following exceptions to Administrative Law Judge Kenneth Chu's October 26, 2018 Decision and Order in the above-captioned case, pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board. The deadline to submit exceptions was extended to January 22, 2019 based on the extension of time and temporary tolling of the mediation.

1. Exception is taken to the finding that Liguao Ding and Jianming Jiang engaged in protected concerted activity. ALJ Decision at 7.

2. Exception is taken to the finding that Ding and Jiang refused to work the December 2017 big order due to health concerns and the concerns of their family over their safety in working long hours. ALJ Decision at 7.

3. Exception is taken to the finding that Matsu Corp. terminated the employment of Ding and Jiang. ALJ Decision at 8.

4. Exception is taken to the finding that General Counsel met his burden that the discharge of Ding and Jiang was motivated by their protected concerted activity. ALJ Decision at 8.

5. Exception is taken to the ALJ's reasoning under the Wright Line analysis. ALJ Decision at 8-11

6. Exception is taken to the finding that Matsu Corp. was upset that Ding and Jiang had the temerity to refuse working the early morning shift. ALJ Decision at 9.

7. Exception is taken to the finding that Lin told Jiang there would "be consequences" if he did not work on the big order. ALJ Decision at 9.

8. Exception is taken to the finding that Respondent harbored animus towards Ding and Jiang for their engagement in protected concerted activity. ALJ Decision at 9.

9. Exception is taken to the finding that Ding and Jiang called Lin after December 8, 2017 to ask to come back to work. ALJ Decision at 9.

10. Exception is taken to the decision of the ALJ not to consider and limit evidence of the investment dispute between the parties when deciding why Ding and Jiang refused to work. ALJ Decision at 9,10.

11. Exception is taken to the ALJ crediting the testimony of Ding and Jiang and discounting the testimony of Lin, Cao, and Cheng. ALJ Decision at 6 ~ 11.

12. Exception is taken the finding that Matsu Corp. fired Ding and Jiang for engaging in concerted activities for mutual aid or protection in violation of 29 U.S.C. § 158(1). ALJ Decision at 11.

Dated: January 21, 2019
Glen Cove, New York

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